



Costs Decision

Site visit made on 3 June 2024

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 December 2024

Costs application in relation to Appeal Ref: APP/P1615/W/24/3336348 Bullo Pill, Newnham on Severn, Gloucester, GL14 1ED

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Forest of Dean District Council for a full award of costs against the Mr Darren Larkham.
 - The appeal was against the refusal of planning permission for development described as "Outline application for the erection of new two-bedroom dwelling."
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (the PPG) advises that parties in planning appeals are normally expected to meet their own expenses. Irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby causes the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The Council considers that the applicant acted unreasonably in the submission of the appeal, on the grounds that little to no evidence was submitted by the appellant to support the appeal.
4. The appeal site has a lengthy planning history with copies of both planning and enforcement appeal decisions¹ at the site provided by the Council. I do not have all the details of the schemes that related to these decisions, but insofar as it relates to the appeal site, concerns regarding the location, designated heritage assets, flood risk, and highway safety similarly arose.
5. From reading the previous appeal decisions the nature of these schemes were not identical to the appeal before me, being related to the retention of caravans and boats for residential use and the construction of eight dwellings. The construction of a permanent dwelling could have different impacts on designated heritage assets than a caravan and small housing development.
6. I note from reviewing the previous appeals that matters relating to biodiversity and protected sites were not raised. Whilst the Council can raise additional matters in future application it would not be unreasonable for the appellant to challenge this matter through appeal. In relation to flood risk, as noted in my main decision, and due to the outline nature of the application, a dwelling could be sited outside Flood Zones 2 and 3.

¹ APP/P1615/W/16/3143912 and APP/P1615/C/22/3303152

7. Regarding highway safety, whilst previous appeals have also raised similar concerns, the appellant provided information in relation to employment uses and suggested highway improvements. Whilst this detail was limited and I found that it was not sufficient to overcome the harm I identified, it was additional evidence in rebuttal of the Council's concerns.
8. Taking the above into account, the planning balance in each case was not the same. It was therefore open to the appellant to argue that any identified harm could be mitigated, managed or outweighed. In lodging a further appeal, the appellant's submission sought to address the findings set out in previous decision and appeals and provide additional justification for the proposed development.
9. The appellant was therefore not unreasonable in submitting their appeal.

Conclusion

10. For the reasons set out above I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated, and that an award of costs is not therefore justified.

Tamsin Law

INSPECTOR